

The Honorable Paul B. Snyder  
Chapter 11  
Location: Courtroom H, Tacoma  
Hearing Date: Friday, June 11, 2010  
Hearing Time: 9:00 a.m.  
Response Date: Friday, June 4, 2010

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

In re  
WASHINGTON MUTUAL, INC.,  
Debtor.

Case No. 08-12229-MFW  
District of Delaware  
Chapter 11

ESOPUS CREEK VALUE LP and  
MICHAEL WILLINGHAM

Plaintiffs,

vs.

WASHINGTON MUTUAL, INC.,  
Defendant.

Adversary No. 10-04136

**DEFENDANT WASHINGTON MUTUAL  
INC.'S NOTICE OF MOTION TO  
TRANSFER, STAY, OR DISMISS THE  
INSTANT ACTION**

NOTICE IS HEREBY GIVEN that Defendant Washington Mutual, Inc. ("WMI")  
has filed a Motion to Transfer, Stay, or Dismiss the Instant Action (the "Motion") seeking to  
dismiss, stay, or in the alternative, transfer, Plaintiffs' action originally filed in the Superior  
Court of the State of Washington, for the County of Thurston, to the U.S. District Court for  
the District of Delaware, for referral to the U.S. Bankruptcy Court for the District of

DEFENDANT WASHINGTON MUTUAL  
INC.'S NOTICE OF MOTION – 1

**Perkins Coie LLP**  
1201 Third Avenue, Suite 4800  
Seattle, WA 98101-3099  
Phone: 206.359.8000  
Fax: 206.359.9000

1 Delaware. The Motion is supported by the accompanying Declaration of William C. Rava  
2 and Declaration of Charles Edward Smith, each with exhibits thereto.  
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5 The Motion will be heard on June 11, 2010 at 9:00 a.m., before the Honorable Paul  
6 B. Snyder, U.S. Bankruptcy Judge, Courtroom H, United States Courthouse, 1717 Pacific  
7 Avenue, Suite 2100, Tacoma, Washington 98402-3233.  
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11 IF YOU OPPOSE the Motion, you must file your written response with the court  
12 clerk and serve a copy on the undersigned attorneys no later than **THE RESPONSE DATE,**  
13 **WHICH IS JUNE 4, 2010, AND MUST ALSO APPEAR AT THE HEARING.**  
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17 In the absence of timely objection or appearance, the Court may, in its discretion,  
18 grant the Motion prior to the hearing, without further notice, and strike the hearing.  
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21 Copies of the Motion and related pleadings are on file with the Court. You may also  
22 obtain copies from Rebecca Gregory, at Perkins Coie LLP, 1201 Third Avenue, Suite 4800,  
23 Seattle, Washington 98101, telephone (206) 359-3626.  
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28  
29 DATED: May 14, 2010

**PERKINS COIE LLP**

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32 By: /s/ John S. Kaplan

33 John S. Kaplan, WSBA No. 23788

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41 Attorneys for Defendant  
42 WASHINGTON MUTUAL, INC.  
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DEFENDANT WASHINGTON MUTUAL  
INC.'S NOTICE OF MOTION – 2

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